the petitioner did not know of the sei-
zure prior to the declaration or con-
demnation of forfeiture, and that he
was in such circumstances as prevented
him from knowing of the same. (See
also § 72.35.)

(c) *Interest of petitioner.* The peti-
tioner should state in clear and concise
terms the nature and amount of the
present interest of the petitioner in the
property or carrier, and the facts relied
upon to show that the forfeiture was
incurred without willful negligence or
without any intention upon the part of
the petitioner to defraud the revenue
or to violate the law, or such other
mitigating circumstances as, in the
opinion of the petitioner, would justify
the remission or mitigation of the for-
feiture.

(d) *Petitioner innocent party.* If the pe-
titioner is not the one who in person
committed the act which caused the
seizure the petition should state how
the property or carrier came into the
possession of such other person, and
that the petitioner had no knowledge
or reason to believe, if such be the fact,
that the property or carrier would be
used in violation of law. If known to
the petitioner, at the time the petition
is filed, that such other person had ei-
ther a record or a reputation, or both,
as a violator in the field of commercial
crime, the petition should state wheth-
er the petitioner had actual knowledge
of such record or reputation, or both,
before the petitioner acquired his in-
terest in the property or carrier, before
such other person acquired his right in
the property or carrier, whichever oc-
curred later. When personal property is
seized for violation of the liquor laws,
the determining factor will be whether
the person dealt with by the petitioner
had either a record or a reputation, or
both, as a violator of the liquor laws.

(e) *Documents supporting claim.* The
petition should also be accompanied by
copies, certified by the petitioner
under oath as correct, of contracts,
bills of sale, chattel mortgages, reports
of investigators or credit reporting
agencies, affidavits, and any other pa-
pers or documents that would tend to
support the claims made in the peti-
tion.

(f) *Costs.* The petition should also
contain an undertaking to pay the

costs, if costs are assessed as a condi-
tion of allowance of the petition. Costs
shall include all the expenses incurred
in seizing and storing the property or
carrier; the costs borne or to be borne
by the United States; the taxes, if any,
payable by the petitioner or imposed in
respect of the property or carrier to
which the petition relates; the penalty,
if any, asserted by the Director; and, if
the property or carrier has been sold,
or is in the course of being sold, the ex-
penses so incurred.

§ 72.35 Time of filing petition.

A petition may be filed at any time
prior to the sale or other disposition of
the property or carrier involved pursu-
ant to administrative forfeiture, but a
petition in regard to property or a car-
rier which has already been sold or oth-
erwise disposed of pursuant to adminis-
trative forfeiture must be filed within
three months from the date of sale, and
must contain the proof defined in
§ 72.34(b). Acquisition for official use is
equivalent to sale so far as remission
or mitigation of any forfeiture is con-
cerned.

(Sec. 306, 49 Stat. 880; 40 U.S.C. 304k)

§ 72.36 Place of filing.

The petition should be filed in trip-
licate with the Director or his delegate
for the region in which the seizure was
made.

[T.D. ATF–9, 39 FR 9954, Mar. 15, 1974, as
amended by T.D. ATF–183, 49 FR 37061, Sept.
21, 1984]

§ 72.37 Discontinuance of administra-
tive proceedings.

If the petition is filed prior to admin-
istrative sale or retention for official
use, proceedings to effect such sale or
retention will be discontinued.

§ 72.38 Return of defective petition.

If the petition is defective in some
correctable respect, the original of the
petition will be returned by letter to
the petitioner for his submission of a
corrected petition, in triplicate, within
a reasonable time.

§ 72.39 Final action.

(a) *Petitions for remission or mitigation
of forfeiture.* (1) The Director shall take

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